

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

**RECEIVED**

United States of America ex rel.

Darryl R. Duncan 879384  
(Full name and prison number)  
(Include name under which convicted)

FEB 05 2008  
FEB 05 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

FEB 05 2008

PETITIONER

08CV 777

part)

vs.

Warden Yolande Johnson  
(Warden, Superintendent, or authorized  
person having custody of petitioner)

JUDGE BUCKLO  
MAGISTRATE JUDGE KEYS

RESPONDENT, and

(Fill in the following blank only if judgment attacked imposes a sentence to commence in the future)

ATTORNEY GENERAL OF THE STATE OF

Lisa Madigan  
(State where judgment entered)

Case Number of State Court Conviction:

04CF3749

**PETITION FOR WRIT OF HABEAS CORPUS -- PERSON IN STATE CUSTODY**

1. Name and location of court where conviction entered: Lake County Court  
House, 18 North County St. Wheeling, Illinois 60085
2. Date of judgment of conviction: 3-17-05
3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)  
Possession of Stolen Motor Vehicle and Aggr. Fleeing Police
4. Sentence(s) imposed: 9-years
5. What was your plea? (Check one)
- |                     |                                     |
|---------------------|-------------------------------------|
| (A) Not guilty      | <input checked="" type="checkbox"/> |
| (B) Guilty          | <input type="checkbox"/>            |
| (C) Nolo contendere | <input type="checkbox"/>            |

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

**PART I -- TRIAL AND DIRECT REVIEW**

1. Kind of trial: (Check one): Jury ( ) Judge only (X)
2. Did you testify at trial? YES (X) NO ( )
3. Did you appeal from the conviction or the sentence imposed? YES (X) NO ( )

(A) If you appealed, give the

- (1) Name of court: Appellate Court of Illinois - Second Judicial District
- (2) Result: Affirmed Conviction
- (3) Date of ruling: May 18, 2007
- (4) Issues raised: #1. Whether the trial court abused its discretion by not ordering a fitness examination prior to sentencing hearing, in light of defendant's serious mental history etc. #2. Whether the defendant is due 235 day time served.

(B) If you did not appeal, explain briefly why not:

4. Did you appeal, or seek leave to appeal, to the highest state court? YES (X) NO ( )

(A) If yes, give the

- (1) Result: Affirmed Conviction
- (2) Date of ruling: September 26, 2007
- (3) Issues raised: #1. Appellate Review showing "No Probable Cause" to stop or arrest #2. The defendant's Due Process Rights being violated by Court. #3. A. The Court Erred in finding petitioner guilty of Agg. Battering. #3. The Court Erred in denying defendant's Motion For Ineffective Counsel

(B) If no, why not:

5. Did you petition the United States Supreme Court for a writ of certiorari? Yes ( ) No (X)

If yes, give (A) date of petition: (B) date certiorari was denied:

**PART II - COLLATERAL PROCEEDINGS**

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES ☒ NO ( )

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

- A. Name of court: Lake County
- B. Date of filing: 3-21-05
- C. Issues raised: I was not put in a positive I.D. Line-Up. The complainant testified it was not me. The basic evidence shows the finger prints are no comparison to mine after the officer testified I climbed out of vehicle without gloves etc.
- D. Did you receive an evidentiary hearing on your petition? YES ☒ NO ( )
- E. What was the court's ruling? Denied
- F. Date of court's ruling: 5-26-05
- G. Did you appeal from the ruling on your petition? YES ☒ NO ( )
- H. (a) If yes, (1) what was the result? No Results  
 (2) date of decision: No Results
- (b) If no, explain briefly why not: Appellate Attorney filed a Final Motion to withdraw and advised Plaintiff to withdraw; showing ineffective Counsel
- I. Did you appeal, or seek leave to appeal this decision to the highest state court?  
 YES ( ) NO ☒
- (a) If yes, (1) what was the result? —  
 (2) date of decision: —
- (b) If no, explain briefly why not: Was advised not to by attorney due to the fact counsel was going to raise issue in his Direct Brief yet he did not.

Part II Collateral Proceedings

2. With respect to this conviction or sentence, have you filed a post-conviction petition in state court? Yes
- With respect to each post-conviction petition give the following information:
- A. Name of Court: Lake County
- B. Date of Filing: 12-26-06
- C. Issues raised: The fact that the evidence shows two different vehicles, the finger prints are no comparison after forensic test, the complainant states that it was not the plaintiff, the person that was in exclusive possession did not come to trial and was not arrested for possession of the stolen vehicle, the uniformed ticket was not signed by a complainant to prevent perjury, the fact that the plaintiff had ineffective counsel and the fact about the plaintiff's mental history and how he was taken to trial with a mental evaluation before trial when the record clearly shows a mental history.
- D. Did you receive an evidentiary hearing on your petition? No
- E. What was the court's ruling? Denied
- F. Date of court's ruling? January 7, 2007
- G. Did you appeal from the ruling on your petition? Yes
- That if yes, #1. What was the result? No Results, Appellate Attorney filed a "Futile Motion" to withdraw as counsel.
- #2. Date of Decision: January 18, 2008
- b. If no, explain briefly why not: Appellate Attorney filed a Futile Motion to withdraw as counsel, because the plaintiff failed to file and/or ask for permission to file a Second Post-Conviction.
- I. Did you appeal or seek leave to appeal this decision to the highest state court? NO
- a. If yes, #1. What was the result? None
- #2. Date of Decision: None
- b. If no, explain briefly why not: I have been threatened by the Appellate Defenders Office, stating that if I keep filing the State's Attorney will take my good time to months, even though I have merit in my claim, yet they fail to file because they are a part of this malicious prosecution. I have a mental history and I'm indigent. Not to mention, I'm getting ineffective counsel and improper reviews from the courts.

(4)

2. With respect to this conviction or sentence, have you filed a petition in a state court using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES ( ) NO ☒

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding \_\_\_\_\_
2. Date petition filed \_\_\_\_\_
3. Ruling on the petition \_\_\_\_\_
3. Date of ruling \_\_\_\_\_
4. If you appealed, what was the ruling on appeal? \_\_\_\_\_
5. Date of ruling on appeal \_\_\_\_\_
6. If there was a further appeal, what was the ruling? \_\_\_\_\_
7. Date of ruling on appeal \_\_\_\_\_

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in federal court? YES ☒ NO ( )

A. If yes, give name of court, case title and case number: U.S. District Court Northern

District of Illinois - U.S. ex rel Darryl R. Duncan B79384 V. Warden Ferkus et al #05C4106

B. Did the court rule on your petition? If so, state

- (1) Ruling: Dismissed Without Prejudice
- (2) Date: 8-2-05

4. WITH RESPECT TO THIS CONVICTION OR SENTENCE, ARE THERE LEGAL PROCEEDINGS PENDING IN ANY COURT, OTHER THAN THIS PETITION?

YES ( ) NO ☒

If yes, explain: \_\_\_\_\_

5

~~\_\_\_\_\_~~

**PART III - PETITIONER'S CLAIMS**

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

**BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.**

(A) Ground one The evidence clearly shows two different vehicles  
Supporting facts (tell your story briefly without citing cases or law):

The "Models" of vans are different and only one vin number is reported!  
The van that was reported stolen on 10-8-04 is a '1990 Ford Model-350, showing  
license plate and vin number. The alleged recovered stolen vehicle is  
reported as a '1990 Ford Model-150 Econoline, showing same plate number  
and also vin number, date recovered was 10-9-04. The plaintiff  
was on trial for being in possession of a stolen vehicle "1990 Ford  
Model 350," not a "150 Econoline" and/or both vehicles; see exhibit; - A

(B) Ground two The Forensic Evidence show No Comparison of Finger Prints  
Supporting facts:

On March 13, 2005 a officer Rinaldi got on the witness stand and stated  
that the plaintiff allegedly climbed over the passenger seat and then climbed  
out on the top of said stolen van without any gloves on yet this officer  
did not know that the forensic test show that the prints are not his,  
showing "No Probable Cause" and making this a "Prima Facie Issue."  
see exhibit - A and Trial Transcripts.

(C) Ground three The plaintiff's license are revoked yet he wasn't in vehicle  
 Supporting facts:

The plaintiff's license are revoked yet his finger prints show he was not in the said vehicle, the police report shows that the plaintiff was picked up 250 feet away, and the evidence shows two different vehicles. Not to mention the fact that the plaintiff was not put in a positive I.D. line up; see exhibits B, C.

(D) Ground four The State put two witnesses on witness stand who's names  
 Supporting facts: where not on the list.

On March 17, 2005, The State put a Mrs. Donovan and a Mrs. Rogers on the witness stand to testify when there names did not appear on the list. This is not a legal thing to do at trial, because! The defendant at the time is to receive a list of witnesses in order to prepare for trial; see witness list. Also a Mrs. Rogers did testify Duncan was not the criminal, this is the Complainant!?

- 2 Have all grounds raised in this petition been presented to the highest court having jurisdiction?  
 YES ☒ NO ( )
3. If you answered "NO" to question (16), state briefly what grounds were not so presented and why not:

See Attached Page # 8, Showing more grounds, E, F, and G.



E. Ground Five: The Indictment lacks necessary Certainty to Charge offense. The indictment alleged that the plaintiff was in possession of a stolen vehicle yet if you review the police report attached as exhibit C, it clearly shows that a Diane Dixon Wise was the one with exclusive possession yet her name is not on the indictment, it does not state the "model" or the Vin number nor was she arrested nor did she come to trial. Not to mention the year of the said vehicle yet the indictment does show a Tennessee license plate number that state in the indictment was registered. Now if you review the police report it states that defendant Duncan was given a ticket for driving the alleged stolen vehicle without a proper registration see exhibits C, D-1 and -D-2.

F. Ground Six: There was no Probable Cause to stop or arrest plaintiff. The officer that arrested the defendant had no description of who his co-workers were chasing, yet he did not make a police report at all nor did officer Lawrence, come to trial to testify why he placed Duncan under arrest. See exhibit C.

G. Ground Seven: The state's Appointed Counsel was ineffective. The Appellate Defender and/or the Public Defender failed to bring up the fact that the vehicle are two different vehicles. The State's Attorney's failed to show that the plaintiff was lied on in court. The State Appointed Counsel is very ineffective and shows a failure of due process. And according to the Thirty Second Annual Review of criminal procedure Improper Consideration in determining sentence 2074 see; U.S. v. Pugliese 805 F.2d, 117, 1124-2d Cir 1986 due process requires that defendant not be sentenced based on materially untrue assumptions or misinformation meaning the defendant was lied on and had ineffective counsel that failed to present the case properly to the court. And he should not be held any further. Also if you review the court's mittimus that states 235 day and then review the Lake County Jail Calculation that shows 242 day and states at the top that 242 days should show on court. Mittimus The plaintiff has showed this issue to Appellate Attorney to no avail proving ineffective counsel not to mention improper review from both the Circuit Court and the Appellate Court see All exhibit And Trial Transcripts And issue an order demanding Plaintiff's Release.



**PART IV -- REPRESENTATION**

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing Indicted
- (B) At arraignment and plea Tankasper - Public Defender Office 15, S. County St, Waukegan, Ill. 60085
- (C) At trial Tankasper - Public Defender Office 15, S. County St, Waukegan, Ill. 60085
- (D) At sentencing Tankasper - Public Defender Office 15, S. County St, Waukegan, Ill. 60085
- (E) On appeal Paul A. Rogers - Appellate Defender Office 2010 Larkin, Elgin, Ill. 60123
- (F) In any post-conviction proceeding Filed Finley to withdraw
- (G) Other (state): \_\_\_\_\_

**PART V -- FUTURE SENTENCE**

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES ( ) NO (X)

Name and location of the court which imposed the sentence: \_\_\_\_\_

Date and length of sentence to be served in the future \_\_\_\_\_

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: 1-31-08  
(Date)

\_\_\_\_\_  
Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

Danny R. Duncan  
(Signature of petitioner)

379384  
(I.D. Number)

6695 State Route #146 East  
(Address)  
Vienna, Illinois

62995

618-658-8371

Case Description:  
Stolen Auto in Progress/Report

Page: 2  
Case Number: 2004-00063963

| Bin Loc . . . :                 | Disposition . . . : |
|---------------------------------|---------------------|
| Vehicle Year: 1990              | Description:        |
| Make . . . : Ford               | Model : F350        |
| Color Top . . : BLUE STEEL      | Bottom:             |
| License # . . : 20411CV         | State : IL          |
| Serial #/VIN: 1FTDE14Y1LHA86014 | OAN . . . :         |
|                                 | Style . . : Van     |
|                                 | Interior:           |
|                                 | Expires :           |

NARRATIVE OCT 08 2004 14:22

Case # 200400063963 created By: POULOST - on: 10/08/2004 2:22:52 PM

On 10/08/04 I was dispatched to 2360 14TH st in reference to a stolen auto report. Upon arrival I spoke to Jordan Johnson. Mr. Johnson told me that he works for Habitat for Humanity and that his company van, previously described, was stolen from the driveway of the home he was working on. He said the keys were in the unlocked van and that it was stolen between 1220 and 1230 pm. Mr. Johnson said that no one else had permission to take the van. He said that only 3 workers were working today and they were all on location.

SUPPLEMENTAL NARRATIVE OCT 09 2004 10:57

Case # 200400063963 created By: FURLOWR - on: 10/09/2004 10:57:11 AM

E.T. REPORT

LOCATION : GLENROCK AVE / MELROSE AVE ( BIKE-TRAIL )

REFERENCE: RECOVERED / STOLEN AUTO

VICTIM : HABITAT FOR HUMANITY OF LAKE COUNTY

OFFICER WENT TO THE ABOVE LOCATION , IN REGARDS TO A RECOVERED STOLEN AUTO .

OFFICER TOOK EIGHT DIGITAL PHOTOS AT THE SCENE, THEN DUSTED A BLUE 1990 FORD / ECONOLINE 150 VAN BEARING IL / PLATES OF 20411CV FOR LATENT FINGERPRINTS WITH A NEGATIVE RESULT OF ANY COMPARISON.

OFFICER LOCATED NO OTHER EVIDENCE ABOUT THE SCENE FOR COLLECTION.

Note: NO GLOVES

Exhibit # A



## OFFICE OF THE SECRETARY OF STATE

06015301414

JESSE WHITE • Secretary of State

August 18, 2006

Re: D525-1766-4080

Darryl R. Duncan 879384  
 East Moline Correctional Center  
 100 Hillcrest Rd.  
 East Moline, IL 61244

Dear Mr. Duncan,

This office is in receipt of your correspondence and the following information is being provided.

To remove the entry posted on your driving record, you must contact the proper court and furnish this office with certified evidence (Notice of Failure to Pay Fines Receipt) from the court indicating that the traffic ticket(s) listed below were paid in full.

| <u>Ticket Number</u> | <u>Arrest Date</u> | <u>County</u> | <u>Location</u> | <u>Telephone</u> |
|----------------------|--------------------|---------------|-----------------|------------------|
| 511441               | 10-26-02           | Lake          | Waukegan        | (847) 377-3239   |
| 91863                | 11-05-02           | Lake          | Waukegan        | (847) 377-3239   |
| 232732               | 09-24-02           | Lake          | Waukegan        | (847) 377-3239   |
| 3749                 | 10-09-04           | Lake          | Waukegan        | (847) 377-3239   |
| 249732               | 10-09-04           | Lake          | Waukegan        | (847) 377-3239   |

Your drivers license and driving privileges are revoked. It will be necessary for you to contact the Administrative Hearing Department to apply for a Restricted Driving Permit or reinstatement of full driving privileges. Please refer to the enclosed leaflet for instructions.

Sincerely,

Mary H. Bandy, Supervisor  
 Reinstatement Review Unit  
 Traffic Violations Section

MHB:jag  
 Enc: Hearing leaflet

Exhibit B

Wednesday, October 20, 2004

**North Chicago Police Department**

Description UNLAW POS STOLEN VEH/AGG ASSAULT/RINALDI #50

Date Entered 11:18:28 AM, 10/20/2004 User CECCLA

Case#: 04-029510

## Narrative

*Exhibit 1: Complaint*

ON 10/09/04 OFFICER RINALDI #50 WAS SENT TO RTE 137 TO FIND A COMPLAINANT WHO WAS FOLLOWING THEIR STOLEN BLUE WORK VAN IL LIC # 20411CV. I ARRIVED AND SAW A BLUE WORK VAN EXITING THE MOBIL AT GREENBAY RD & RTE 137 AND HEAD (S) ON RTE 137. I ACTIVATED MY EMERGENCY LIGHTS AND SIREN AS DID OFFICER TRIPLETT, IN OUR MARKED SQUAD CARS. I PULLED IN FRONT OF THE VAN AS IT WAS STOPPED AT A RED LIGHT AT RTE 137 AND GREAT LAKES DR IN THE LEFT TURN LANE, WITH THE MATCHING IL LIC 20411-CV.

OFFICER TRIPLETT PULLED BEHIND THE VAN. I EXITED MY SQUAD AND THE DRIVER OF THE VAN I REMEMBERED AS:

DUNCAN, DARRYL R B/M

DOB 3/18/64

2842 KENNEDY DR

N. CHICAGO

*lock - ...*

AS I JUST TOOK HIM TO BOND COURT LAST WEEK. DUNCAN THEN STEPPED ON THE GRASS AND ALMOST HIT ME BUT I WAS ABLE TO JUMP ON TP. THE HOOD OF MY SQUAD AND GET OUT OF THE WAY. DUNCAN THEN PUT THE VAN IN REVERSE AND TRIED TO RAM OFFICER TRIPLETT'S SQUAD. DUNCAN THEN WENT FORWARD OVER THE MEDIAN AND DID A U TURN THROUGH THE RED LIGHT AND LEADED (L) ON RTE 137. DUNCAN RAN THE RED LIGHT AT GREEN BAY AT A HIGH RATE OF SPEED AND THEN TURNED (N) ON LEWIS FROM RTE 137 TURNING LEFT THROUGH A RED LIGHT. DUNCAN RAN THE STOP SIGN AT 24TH & LEWIS AT A HIGH RATE OF SPEED CONTINUING (N) THROUGH THE RED LIGHT AT ARGONNE SEEMINGLY WITH NO REGARD FOR THE SAFETY OF THE 20+ PEDESTRIANS CROSSING LEWIS TO TAKE THERE KIDS TO FOOTBAL, MAKING THEM RUN AND JUMP INTO THE GRASS FOR SAFETY. DUNCAN RAN THE RED LIGHT AT 10TH & LEWIS AND AT BELVIDERE AND LEWIS TURNING RIGHT HEADING (E) ON BELVIDERE NARROWLY MISSING SEVERAL CARS. DUNCAN CONTINUED AT A HIGH RATE OF SPEED CUTTING THROUGH A GAS STATION ON THE CORNER OF GLEN ROCK AND BELVIDERE TURNING LEFT AND HEADING (N) ON GLEN ROCK NARROWLY MISSING 2 PEOPLE IN THE PARKING LOT OF THE GAS STATION SEEMINGLY THERE TO GET GAS.

DUNCAN TURNED LEFT ONTO THE ROBERT MCCORRY BIKE PATH ALMOST HITTING A MAN ON A BICYCLE. DUNCAN THEN MADE A U-TURN THROUGH THE GRASS AND PULLED THE VAN NEXT TO A CHAIN LINK TOPPED WITH BARBED WIRE. DUNCAN JUMPED OUT OF THE VAN CLIMBED ONTO ITS ROOF, JUMPED THE FENCE AND RAN (W). I RAN TO THE VAN PUT THE GEAR SELECTOR IN PARK CLIMBED ONTO THE ROOF OF THE VAN JUMPED THE FENCE AND FOLLOWED DUNCAN. DUNCAN WAS LATER APPREHENDED BY OFFICER LAWRENCE 250 FEET (W) OF MY LOCATION WHICH WAS 150 FEET (W) OF THE VAN. THE VAN WAS TAKEN OVER BY WAUKGAN PD AS IT WAS STOLEN OUT OF THEIR CITY. A FEMALE IDED AS:

DIXON-WISE, DIANE B/F

DOB: 4/27/63

223 BELVIDERE

*No Finger Prints  
No camera*

WAUKGAN WAS A PASSENGER IN THE VAN. DIXON-WISE PROVIDED A VOLUNTARY STATEMENT AND WAS RELEASED. DUNCAN WAS TRANSPORTED TO NCPD BOOKED, CHARGED WITH AGGRAVATED ASSAULT, AGGRAVATED FLEEING & ELUDING, UNLAWFUL POSSESSION OF A STOLEN VEHICLE, RESISTING, OBSTRUCTIN, DRIVING SUSPENDED, NO PROOF INSURANCE, NO SEAT BELT, EXPIRED REGISTRATION, SUSPENDED REGISTRATIO. DUNCAN WAS HELD FOR BOND COURT. I CLEARED TAKING NO FURTHER ACTION.

RINALDI, ROBERT #50

Officer Signature (X) \_\_\_\_\_

*Exhibit 1: Complaint*

*[Signature]*

STATE OF ILLINOIS )  
 ) SS GENERAL NO. 04 CF 3749  
COUNTY OF LAKE )

DCN#: L38831728

OF THE AUGUST 2004 TERM OF THE CIRCUIT COURT  
OF THE NINETEENTH JUDICIAL CIRCUIT COURT OF THE  
COUNTY OF LAKE IN THE STATE OF ILLINOIS

Count 1. That the Grand Jurors chosen, selected and sworn, in and for the County of Lake, in the State of Illinois, having been duly recalled, in the name and by authority of the People of the State of Illinois, upon their oaths present that **DARRYL R. DUNCAN, DOB: 3/18/64**, hereinafter called the defendant, on or about OCTOBER 9, 2004, in the County of Lake and State of Illinois, committed the offense of **UNLAWFUL POSSESSION OF STOLEN VEHICLE**, in that the said defendant, a person not entitled to possession of said vehicle, possessed a Blue van of Habitat for Humanity with an Illinois registration number of 20411CV, knowing it to have been stolen, in violation of 625 ILCS 5/4-103(a)(1) contrary to the form of the Statutes in such case made and provided, and against the peace and dignity of the People of the State of Illinois.

FILED

NOV - 3 2004

CLERK OF COURT

Exhibit # D  
1082

Count 2. That the Grand Jurors chosen, selected and sworn, in and for the County of Lake, in the State of Illinois, having been duly recalled, in the name and by authority of the People of the State of Illinois, upon their oaths present that **DARRYL R. DUNCAN**, DOB: 3/18/64, hereinafter called the defendant, on or about OCTOBER 9, 2004, in the County of Lake and State of Illinois, committed the offense of **AGGRAVATED FLEEING A POLICE OFFICER**, in that the said defendant, the driver of a motor vehicle, after being given a visual and audible signals to bring his vehicle to a stop by Officer Rinaldi, a peace officer, attempted to elude Officer Rinaldi, and in so doing, failed to yield to at least two separate traffic control devices, in violation of 625 ILCS 5/11-204.1(a)(4) contrary to the form of the Statutes in such case made and provided, and against the peace and dignity of the People of the State of Illinois.

A TRUE BILL



FOREPERSON

Exhibit # D  
2072

PEOPLE OF THE STATE OF ILLINOIS

vs.

Darryl R. Duncan

Defendant

Date of Sentence May 31, 2005

Date of Birth March 18, 1964

(Defendant)

Case No. 04CF3749

Date of Birth \_\_\_\_\_

(Victim)

AMENDED

JUDGMENT - SENTENCE TO ILLINOIS DEPARTMENT OF CORRECTIONS

WHEREAS the above - named defendant has been adjudged guilty of the offenses enumerated below.

IT IS THEREFORE ORDERED that the defendant be and hereby is sentenced to confinement in the Illinois Department of Corrections for the term of years and months specified for each offense.

| COUNT | DATE OF OFFENSE | STATUTORY OFFENSE                     | CITATION               | CLASS | SENTENCE    | MSR |
|-------|-----------------|---------------------------------------|------------------------|-------|-------------|-----|
| 1     | Oct. 9, 2004    | Unlawful Possession of Stolen Vehicle | 625 ILCS 5/4-103(a)(1) | 2     | 9 Yrs Mo Yr |     |

and said sentence shall run (☐ concurrent with)(☐ consecutive to) the sentence imposed on: \_\_\_\_\_

and said sentence shall run (☐ concurrent with)(☐ consecutive to) the sentence imposed on: \_\_\_\_\_

and said sentence shall run (☐ concurrent with)(☐ consecutive to) the sentence imposed on: \_\_\_\_\_

and said sentence shall run (☐ concurrent with)(☐ consecutive to) the sentence imposed on: \_\_\_\_\_

The Court finds that the defendant is:

☐ Convicted of a class \_\_\_\_\_ offense but sentenced as a Class X offender pursuant to 730 ILCS 5/5-5-3(c)(8).

☒ The Court further finds that the defendant is entitled to receive credit for time actually served in custody (of 235 days as of the date of this order) from (specify dates) \_\_\_\_\_

☐ The Court further finds that the conduct leading to conviction for the offenses enumerated in counts \_\_\_\_\_ resulted in great bodily harm to the victim. (730 ILCS 5/3-6-3(a)(2)(iii)).

☐ The Court further finds that the defendant meets the eligibility requirements and is approved for placement in the Impact Incarceration program. If the Department accepts the defendant and determines that the defendant has successfully completed the program, the sentence shall be reduced to time considered served upon certification to the Court by the Department that the defendant has successfully completed the program. Written consent is attached.

☐ The Court further finds that offense was committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance.

☐ IT IS FURTHER ORDERED that the sentence(s) imposed on count(s) \_\_\_\_\_ be (☐ concurrent with) (☐ consecutive to) the sentence imposed in case number \_\_\_\_\_ in the Circuit Court of \_\_\_\_\_ County.

☐ IT IS FURTHER ORDERED that the defendant serve ☐ 85% ☐ 100% of said sentence as to count(s) \_\_\_\_\_  
IT IS FURTHER ORDERED that the Clerk of the Court deliver a certified copy of this order to the Sheriff.

☒ IT IS FURTHER ORDERED that the Sheriff take the defendant into custody and deliver him to the Department of Corrections which shall confine said defendant until expiration of his sentence or until he is otherwise released by operation of law.

☒ IT IS FURTHER ORDERED that Defendant shall receive (235) days credit for time served. Defendant shall receive good time credit as administered by the Department of Corrections.

This order is (☒ effective immediately) (☐ stayed until \_\_\_\_\_)

DATE: November 21, 2007

ENTER: \_\_\_\_\_

Victoria A. Rossotti

PLEASE PRINT JUDGE'S NAME (HERE)

Exhibit E

FILED  
NOV 21 2007  
CIRCUIT CLERK

Received  
DEC 2007  
VICTORIA A. ROSSOTTI





## SINGLE OR CONCURRENT DETERMINATE SENTENCES UNDER 1978 LAW AND JAIL CREDIT

NAME Shannon Wright NUMBER B 79384 DATE 12/11/07

## (STEP 1) (A)

Yr. Mo. Day

(Rel. on Bond, Etc.)

(Arrest Date)

(Jail Credits)

+ 1 (Add 1 Day)

(Jail Credits)

## (STEP 1) (B)

Yr. Mo. Day

(Rel. on Bond, Etc.)

(Arrest Date)

(Jail Credits)

+ 1 (Add 1 Day)

(Jail Credits)

## (STEP 1) (C)

Yr. Mo. Day

(Rel. on Bond, Etc.)

(Arrest Date)

(Jail Credits)

+ 1 (Add 1 Day)

(Jail Credits)

## (STEP 1) (D)

Yr. Mo. Day

(Rel. on Bond, Etc.)

(Arrest Date)

(Jail Credits)

+ 1 (Add 1 Day)

(Jail Credits)

## (STEP 2)

Yr. Mo. Day

(Jail Credits-A)

(Jail Credits-B)

(Jail Credits-C)

(Jail Credits-D)

(Total Jail Credits)

## (STEP 3)

Yr. Mo. Day

05 5 31

(Old Custody/

Sentence Date)

7 25

(Total Jail Credits) 235 days

04 - 10 - 6

(New Custody Date)

(STEP 4) MITTIMUS NO. 0402378

## PROJECTED OUT DATE

Yr. Mo. Day

04 10 6

(New Custody Date)

(Sentence Less)

+ 4 6

GCC 2100 / 04 2

2009 - 4 - 6

(Projected Out Date)

(Previous Time

+ or - 6

Lost/Awarded 90/90

08 - 10 - 6

(Adj. Proj. Out Date)

## (STEP 5)

## MANDATORY OUT DATE

Yr. Mo. Day

04 10 6

(New Custody Date)

(Sentence)

+ 9

2013 - 10 - 6

(Mandatory Out Date)

Adj. Proj. Out Date 10/10/08Mandatory Out Date 10/10/2013Calculated By [Signature]

Terminal Operator \_\_\_\_\_

Date Entered \_\_\_\_\_

Exhibit G

SINGLE OR CONCURRENT DE ~~TERMINAL~~ DATE SENTENCES UNDER 1978 LAW AND JAIL CREDIT

DC 132

NAME Earl J. JohnsonNUMBER 879384DATE 1-18-08

## (STEP 1) (A)

Yr. Mo. Day

|       |                      |
|-------|----------------------|
| _____ | (Rel. on Bond, Etc.) |
| _____ | (Arrest Date)        |
| _____ | (Jail Credits)       |
| +     | 1                    |
| _____ | (Add 1 Day)          |
| _____ | (Jail Credits)       |

## (STEP 1) (B)

Yr. Mo. Day

|       |                      |
|-------|----------------------|
| _____ | (Rel. on Bond, Etc.) |
| _____ | (Arrest Date)        |
| _____ | (Jail Credits)       |
| +     | 1                    |
| _____ | (Add 1 Day)          |
| _____ | (Jail Credits)       |

## (STEP 1) (C)

Yr. Mo. Day

|       |                      |
|-------|----------------------|
| _____ | (Rel. on Bond, Etc.) |
| _____ | (Arrest Date)        |
| _____ | (Jail Credits)       |
| +     | 1                    |
| _____ | (Add 1 Day)          |
| _____ | (Jail Credits)       |

## (STEP 1) (D)

Yr. Mo. Day

|       |                      |
|-------|----------------------|
| _____ | (Rel. on Bond, Etc.) |
| _____ | (Arrest Date)        |
| _____ | (Jail Credits)       |
| +     | 1                    |
| _____ | (Add 1 Day)          |
| _____ | (Jail Credits)       |

## (STEP 2)

Yr. Mo. Day

|       |                      |
|-------|----------------------|
| _____ | (Jail Credits-A)     |
| +     | _____                |
| _____ | (Jail Credits-B)     |
| +     | _____                |
| _____ | (Jail Credits-C)     |
| +     | _____                |
| _____ | (Jail Credits-D)     |
| _____ | (Total Jail Credits) |

## (STEP 3)

Yr. Mo. Day

05 9 31

235 days

|         |                      |
|---------|----------------------|
| _____   | (Old Custody/        |
| _____   | Sentence Date)       |
| 7 25    | (Total Jail Credits) |
| 04 10 6 | (New Custody Date)   |

(STEP 4) MITTIMUS NO. 0193748

## PROJECTED OUT DATE

Yr. Mo. Day

04 10 6

|         |                       |
|---------|-----------------------|
| _____   | (New Custody Date)    |
| +       | 4 6                   |
| _____   | (Sentence Less)       |
| _____   | GCC)                  |
| 09 9 6  | (Projected Out Date)  |
| _____   | (Previous Time        |
| + or -  | 6                     |
| _____   | Lost/Awarded)         |
| 08 10 6 | (Adj. Proj. Out Date) |

## (STEP 5)

## MANDATORY OUT DATE

Yr. Mo. Day

04 10 6

|         |                      |
|---------|----------------------|
| _____   | (New Custody Date)   |
| +       | 9                    |
| _____   | (Sentence)           |
| 13 10 6 | (Mandatory Out Date) |

Adj. Proj. Out Date 10-6-08  
Mandatory Out Date 10-6-08  
Calculated By [Signature]

Terminal Operator [Signature]  
Date Entered 10-6-08

Exhibit H

## North Chicago Police Department

|   |   |                             |
|---|---|-----------------------------|
| Court Case Number   | Agency Report Number  | DCN                         |
|   | 001-029516  | LC38831728                  |
| State of Illinois, County of  | Lake  | No. NC00002237              |
| City/Village of   | North Chicago   |                             |
| IN THE CIRCUIT COURT OF THE 19 <sup>th</sup> JUDICIAL CIRCUIT LAKE COUNTY, ILLINOIS |   |                             |
| <input checked="" type="checkbox"/> People - State of Illinois                      | <input type="checkbox"/> City/Village of<br>Municipal Corporation Plaintiff | North Chicago, Illinois VS. |

|  |                            |                          |               |
|--|----------------------------|--------------------------|---------------|
| DEFENDANT  | Name (Last, First, Middle) | Alias                    | Date of Birth |
|  | Duncan, Darrell R.         | <input type="checkbox"/> | 3-18-69       |
|  | Street Address             | 2642 Kennedy Dr.         |               |
|  | City                       | State                    | Zip Code      |
|  | North Chicago              | IL                       | 60064         |
|  | Gender                     | Race                     | Height        |
| <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female | blk                        | 6-3                      | 140           |
|  | Hair                       | Eye                      |               |
|  | brn                        | brn                      |               |
| Social Security Number   | Driver's License Number    | State                    |               |
| 319666630  | DS2517664080               | IL                       |               |
| SID Number   | FBI Number                 | Phone Number             |               |
| 1L25334670   | 705993DAS                  | 578-1544                 |               |

THE UNDERSIGNED STATES THAT ON Date 10-9-09 Time 458 A

|   |
|---|
| The Defendant did unlawfully commit the following offense: (Offense Title)  |
| Aggravated Assault  |
| Narration: (Describe Offense)   |
| In that the above named defendant did know and purposely try to hit officer Ripoldi #50, a uniformed Police Officer, with a stolen van that the said defendant was driving. |

|   |  |  |   |
|---|--|--|---|
| In Violation of   | Chapter  | Act  | Sec   |
| <input checked="" type="checkbox"/> ILCS <input type="checkbox"/> Local Ordinance | 720  | 5  | 10-2(a)(15)   |
| Location of Offense:  |  |  |   |
| Rt 137 & Great Lakes Dr   |  |  |   |
| COURT   | Location of Court  | Room   |   |
|   | Court Date:  | Time:  |   |
|   | <input type="checkbox"/> You Must Appear in Court on the date and time indicated   |  |   |
| BOND  | <input type="checkbox"/> Notice to Appear  | <input type="checkbox"/> Full <input type="checkbox"/> 10% Cash Bond Taken | <input type="checkbox"/> Personal Recognizance Bond |
|   | Notice: The Court may issue a warrant for the arrest of any Defendant who has failed to appear and answer an arrest ticket duly served upon him and upon which a complaint has been filed. |  |   |

Under Penalties as provided by law for false certification pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure and Perjury, the undersigned certifies that the statements set forth in the instrument are true and correct.

Signature of Complainant

Signature of Officer

Badge No.

Date

Exhibit I